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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Replacement of Part 90 by Part 88 to )  
Revise the Private Land Mobile Radio )  
Services and Modify the Policies )  
Governing Them )  
 )  
Examination of Exclusivity and Frequency )  
Assignment Policies of the Private Land )  
Mobile Services )  
 )

PR Docket No. 92-235

To: The Commission

**ADDENDUM TO PETITION FOR CLARIFICATION AND/OR  
RECONSIDERATION**

The law firm of Blooston, Mordkofsky, Jackson & Dickens ("BMJD"), on behalf of numerous private radio clients and pursuant to Section 1.429 of the Commission's Rules [47 C.F.R. § 1.429], hereby submits this addendum to its August 5, 1999, Petition for Clarification and/or Reconsideration ("*Petition*") of the *Second Memorandum Opinion and Order* ("*Second MO&O*") in PR Docket No. 92-235 (the "Refarming Docket"),<sup>1</sup> insofar as it modifies Section 90.267(a)(3) of the Commission's Rules. This rule permitted licensees operating on the former "UHF offset" frequencies to operate low power base or fixed transmitters as "mobiles" under the station license without requiring each fixed transmitter to be licensed individually. This Addendum provides additional information which was not available to BMJD in time to be included in the original *Petition*. In particular, IMC Global Operations, Inc. & Phosphate Resources Partners LP d/b/a IMC Agrico Company ("IMC") utilizes low-power offset radios to control giant 2000 horsepower pumps and related pipelines used for gathering and transporting

<sup>1</sup> The *Second MO&O* was published in the *Federal Register* on July 6, 1999, at 64 Fed. Reg. 36258.

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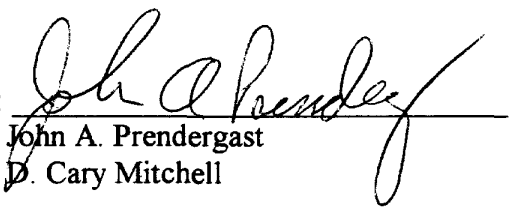
phosphate rock used in the fertilizer manufacturing process. The phosphate rock is embedded in soil which is mined and mixed with water, and the resulting slurry is transported over several miles of pipeline to the IMC processing plant, where the phosphate rock is extracted and the soil is returned to the mining site so that it can be environmentally restored. A large portion of this pipeline operation is in place for several months, or even years. However, the portion of the operation at the mining site is frequently modified or relocated. It would be an undue burden for IMC to be required to license each radio used to control this complex operation every time a low power fixed radio is added, modified or relocated. The radios are vital to this operation, by allowing control of the flow of water to the mining site, control of the flow of slurry, and monitoring of pipeline pressure at each segment, to prevent a potentially deadly explosion or an environmental catastrophe (*e.g.*, a pipeline break near a river or other public water source). IMC depends on the current licensing scheme to give it the flexibility to modify its operations on short notice, at low cost. This is necessary because IMC must compete on a global scale with foreign producers of agricultural products.

The above information only underscores the need to retain the flexible licensing scheme embodied in Rule Section 90.267(a)(3), or to grandfather all existing licensees, and allow future applicants to demonstrate that licensing of fixed low power radios as mobile units is justified under their particular circumstances.

Respectfully Submitted

**Blooston, Mordkofsky, Jackson & Dickens**

By:

  
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Dated: August 9, 1999

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